

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

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April 10, 2007

George J. Cannelos, Federal Co-Chair
Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501



RE: Gulkana Road Chip Seal Paving, Award No. 239-06

Dear Mr. Cannelos: *George*

I received a letter from the Gulkana Village Council expressing concerns with having the Department of Transportation and Public Facilities (DOT&PF) manage their village roads project that was approved as a Denali Commission Project. I discussed this briefly with your representative Mike McKinnon. He agreed the Denali Commission would be willing to take this project back.

I then met with village representatives on April 3rd and we agreed to withdraw from our involvement in project oversight.

Since the DOT&PF had already committed to provide the match requirement, we will continue to do so for the project to move forward. The Financial-Aid Agreement will need to reflect this; I have instructed my staff to make those modifications.

We look forward to working in partnership with the Denali Commission on future projects where our expertise is needed.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

cc: LaMonica Claw, Tribal Administrator, Gulkana Village Council
Mike McKinnon, Program Manager, Denali Commission
Jeff Ottesen, Director, Division of Program Development, DOT&PF
Steve Titus, P.E., Northern Regional Director, DOT&PF

"Providing for the movement of people and goods and the delivery of state services."

ROY S. EWAN
PRESIDENT

GULKANA VILLAGE COUNCIL

ANGELA VERMILLION
VICE PRESIDENT

PO Box 254 ♦ Gakona, AK 99586 ♦ Ph: 907-822-3172 ♦ Fax: 907-822-3976 ♦ Email: Admin@GulkanaCouncil.org

January 29, 2007

Leo von Scheben, Commissioner
Alaska Department of Transportation & Public Facilities
3132 Channel Drive
PO Box 112500
Juneau, AK 99811-2500

Re: Request for Meeting

Dear Commissioner von Scheben:

Congratulations on your recent appointment as commissioner of DOT&PF! We wish you a productive and successful term.

Gulkana Village is requesting an opportunity to meet with you, and perhaps other members of DOT&PF staff as you may feel appropriate, in the spirit of establishing government-to-government communications. We have two major issues of concern that we need to discuss with you.

First, the Village Council has been working for the past several years to get the village roads paved. Last year, we completed the engineering and design for the project. The engineer's estimate for the cost of the project was \$1.8 million. Subsequently, the Village applied for and was awarded full funding for the project under the Denali Commission's Access System transportation program. After receiving notice that our project would be funded, we were informed that the funding would be channeled through the DOT&PF. This is a condition that is being unilaterally imposed on the Village without any kind of consultation with the Village. We would like to meet with you to discuss and clarify the implications of such action (i.e. roles of the Village and the DOT&PF, the responsibility for future "warranty" and maintenance repairs, unexpected and unbudgeted expense for DOT&PF overhead, etc.).

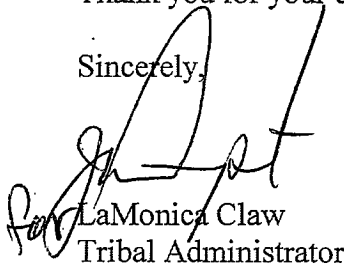
Second, we need to meet with you to bring you "up to speed" on an issue that the Village has been working to resolve for many years now. In 1958, Gulkana Village applied for Townsite lands under the Alaskan Native Townsite Act of 1926. After extensive adjudication, the Village's Townsite application was approved in 1971. Apparently as a result of being "tipped off" by the Townsite Trustee that the lands involved were being set aside as a Village Townsite (see letter from DOT&PF to Alaska Townsite Trustee dated July 29, 1971), the State submitted "applications for deed to various properties ... contained within the townsite of Gulkana", including Tract G of the Gulkana Townsite survey. The letter states that the properties were required in support of a realignment of the Richardson Highway that occurred in the mid-1970's, known as the "Big Timber" project. The record indicates that the deeds to these lands were issued to the State in November 1971.

The Gulkana Village Council feels that these deeds were issued improperly. The record indicates that the Townsite Trustee did not obtain approval of the tribe's governing council (as required by law) prior to issuing the deeds. And, the deeds granted land rights far beyond what was required by the applicant for the project. The Trustee granted fee title to the properties involved; however, the land rights that should have been granted to accommodate the needs of the applicant would be an easement or a right-of-way. For these reasons, and others not expounded here, the Village Council feels the deeds were void *ab initio*, and are invalid. We desire to brief you on this issue, and work with you to reach an acceptable conclusion.

Village personnel can be available to meet with you anytime February 6 – 9, or during the week of February 13, 2007. If this timeframe will not work for you, please suggest a convenient date and time. We request a meeting in Anchorage, if possible. We will follow-up with a phone contact to finalize arrangements.

Thank you for your consideration of this request.

Sincerely,



LaMonica Claw
Tribal Administrator